



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, May 13, 2015

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Philip M. Goldsetin, Ward 7

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20150361 Dumpster Wrap

Recognition of Kennesaw State University's faculty and student participation with the City of Marietta to introduce public art in the Central Business District. Mayor and City Council voted to wrap a dumpster in the downtown with an artistic design to improve the esthetic appeal of the dumpsters. Initially, one dumpster was selected to be wrapped with a design. Staff met with partners with art expertise to assist in this project. The Arts and Sciences Department faculty at KSU graciously volunteered to have some students and faculty submit design wrap options for consideration. Nine designs were submitted with four finalists. Donald Robson, Assoc. Professor at Kennesaw State University, submitted the winning design for the project. His design will soon be placed on the dumpster off of Powder Springs Street. City of Marietta thanks Kennesaw State University for its interest in this project and looks forward to enhancing its partnership with the University on future public art projects.

Winner of the Dumpster Design Competition

Professor Donald Robson

Finalists:

Carly Rymer
Kevin Lippelt
Kyung Yoon

Art Career Mentoring Service Director who organized students in competition
Professor Robert Sherer

20150390 Historic Preservation Month

Mayor Tumlin presents a Proclamation to Becky Paden, member of the Marietta Historic Preservation Commission recognizing May 2015 as Historic Preservation Month in the city of Marietta in conjunction with the celebration of National Historic Preservation Month.

20150426 Keep Marietta Beautiful Thanks Volunteers

Keep Marietta Beautiful thanks the 115 World Mission Society Church of God members. They pulled over 4000 pounds of trash from about 2 miles of Rottenwood Creek in Marietta. Many city employees were out also, in addition to Councilmember Philip Goldstein.

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20150397 Scheduled Appearance - Sadiki-Yisrael Mangwiro

Sadiki-Yisrael Mangwiro of 429 Allgood Road, Ward 5, to speak to Council.

20150398 Scheduled Appearance - Mack Parnell

Mr. Parnell, Congress Field Representative, to thank Council.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

*** 20150376 Regular Meeting - April 8, 2015**

Review and approval of the April 8, 2015 Regular meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

20150290 Z2015-15 [REZONING] VERMEER SOUTHEAST SALES AND SERVICE, INC.

Z2015-15 [REZONING] VERMEER SOUTHEAST SALES AND SERVICE, INC. requesting rezoning for two properties located in Land Lot 1138, District 16, Parcel 0040 (also known as 1350 Gresham Road) and Land Lot 1167, District 16, Parcel 0040 (also known as 1330 Gresham Road), from R-20 (Single Family Residential - Cobb County) to LI (Light Industrial - City). Ward 5.

The Planning Commission Recommends Approval: *Vote: 4-0-0*

Motion: Mr. Rosenbury made a motion, seconded by Ms. McCrae to recommend approval as submitted.

PUBLIC HEARING (All parties sworn in)

20150291 A2015-03 [ANNEXATION] VERMEER SOUTHEAST SALES AND SERVICE, INC.

A2015-03 [ANNEXATION] VERMEER SOUTHEAST SALES AND SERVICE, INC. requesting the annexation of two properties located in Land Lot 1138, District 16, Parcel 0040 (also known as 1350 Gresham Road) and Land Lot 1167, District 16, Parcel 0040 (also known as 1330 Gresham Road), of the 2nd Section, Cobb County, Georgia consisting of 1.14 acres. Ward 5.

The Planning Commission Recommends Approval: *Vote: 5-0-0*

Motion: Ms. McCrae made a motion, seconded by Mr. Vanderslice to recommend approval as submitted.

PUBLIC HEARING (All parties sworn in)

20150294 CA2015-03 [CODE AMENDMENT]

CA2015-03 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 1138, District 16, Parcel 0040 (also known as 1350 Gresham Road) and Land Lot 1167, District 16, Parcel 0040 (also known as 1330 Gresham Road), the City of Marietta proposes to designate the Future Land Use of said property as IM (Industrial Manufacturing). Ward 5.

The Planning Commission Recommends Approval: *Vote: 5-0-0*

Motion: Mr. Rosenbury made a motion, seconded by Ms. McCrae to recommend approval as submitted.

PUBLIC HEARING (All parties sworn in)

20150107 Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS

Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS requests rezoning for property located in Land Lot 12320, District 16, Parcel 0760, 2nd Section, Marietta, Cobb County, Georgia and being known as **233 Waterman Street** from PRD-MF (Planned Residential Development - Multi Family) to MXD (Mixed Use Development). Ward 1.

The Planning Commission recommends approval:

Vote: 6-1-0

Motion: Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with the following stipulations:

- 1. Written approval by the Marietta Fire Department*
- 2. Approval from GIS for the new addresses*
- 3. Subject to existing site plans being modified.*

Ms. McCrae opposed.

PUBLIC HEARING (All parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

*** 20150395 Denial of Claim**

Denial of the claim of Carla E. Solaarevalo & Reina Yanira Arevalodesola

*** 20150432 Denial of Claim**

Denial of the claim of Chance Chandler.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:**

1. Economic/Community Development: G. A. (Andy) Morris, Chairperson

2. Finance/Investment: Stuart Fleming, Chairperson

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20150354 GMA District 3 West Officers for 2015-2016**

Motion to cast a ballot for Michelle Cooper-Kelly as Vice President of the Third District West Region for GMA Board.

* **20150340 Welcome Group of Hospitality, Inc. - 2136 Kingston Court (Z2014-24)**

Motion to replace the stipulations originally approved as a condition of zoning for case #Z2014-24 (20141205) dated December 10, 2014 with those listed in the attached letter from Yogesh Patel to Russell J. Roth, AICP, dated May 5, 2015, in order to:

1. Change the allowable height from six (6) stories to seven (7) stories.
2. Allow a nine (9) foot tall block and mortar dumpster enclosure in the southwestern corner of the property, between the building and Delk Road.
3. Reference updated building elevations, prepared by Daniel Lemberg, Architect, and conceptual site plan with the understanding that all City codes will be followed unless specifically exempted in the above referenced letter.

With the understanding that the applicant will be responsible for getting the necessary approvals from the FAA and Dobbins prior to permitting.

* **20150342 Waymar Property Management - 346 Lawrence St #Z2014-04 (#2014-0276)**

Motion to approve new architectural renderings of the building and new site plan, attached and dated 3/30/15. This site plan and building elevations would replace those approved with Z2014-04. All other stipulations and variances would remain in effect.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20150352 Gramling Park Playground Addition**

Motion approving a request for funding for an additional piece of playground equipment for Gramling Park, to be allocated from the 2009 Parks Bond, and not to exceed \$10,000.00.

* **20150343 Multipurpose Parking Deck**

Motion to authorize an exploratory inquiry into multipurpose parking deck adjacent to train depot in conjunction with DMDA partnership as requested by Mayor Tumlin.

5. Personnel/Insurance: Johnny Walker, Chairperson

* **20150327 Marietta Development Authority Appointments**

Reappointment of Steven F. McNeel Post 1 and Ed Hammock Post 2 to the Marietta Development Authority for a 2-year term, expiring May 13, 2017.

* **20150358 Historic Board of Review Appointment**

Reappointment of Terry Lee to the Historic Board of Review (Ward 5) for a 2 year term, expiring May 13, 2017.

* **20150357 Board of Zoning Appeals Appointment**

Reappointment of James A. Mills to the Board of Zoning Appeals (Ward 3) for a 3 year term, expiring May 13, 2018.

* **20150328 Board of Lights and Water (BLW)**

Reappointment of Bruce E. Coyle to the Board of Lights and Water (Resident Member) for a 4-year term, expiring May 13, 2019.

* **20150362 GMA Voting Delegates**

Motion appointing Grif Chalfant as voting delegate and Philip M. Goldstein as alternate voting delegate for the 2015 GMA Business Meeting being held during the GMA Annual Convention Monday, June 28, 2015.

* **20150345 Amendment of City Ordinance 4-4-24-120, Compensation Policies and Procedures**

Approval of an ordinance amending code section 4-4-24-120 to change the rate of pay for working out of classification, also known as “acting pay.”

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20150338 Revisions to MPD Policies**

Motion approving revisions to listed policies; A019 Risk Analysis, A051 Media & Public Relations, A052 Detention and Housing of Detainees, A054 Assignments, A085 Promotions, C050 Crime Prevention, P010 Patrol Operations, S020 Canine Operations, S030 Criminal Investigations, S034 Juvenile Procedures, S043 Cyber Unit and T050 Training, as well as the addition of a new policy, S042 ICAC Unit (Internet Crimes Against Children).

7. Public Works Committee: Grif Chalfant, Chairperson

* **20150302 Church Street at Francis Avenue**

Motion authorizing the installation of a raised mountable island in Church Street at Francis Avenue.

* **20150331 Title VI Nondiscrimination Agreement**

Motion approving the Title VI Assurances and Nondiscrimination Agreement between the City of Marietta and the Georgia Department of Transportation for compliance with 23 CFR Part 200, Title VI of the Civil Rights Act of 1964 along with the City of Marietta Title VI Policy and DBE Policy statements.

* **20150334 Cobb County - Marietta Water Authority Encroachment Agreement**

Motion approving the Cobb County-Marietta Water Authority encroachment agreement to allow the construction of the Cobb Parkway at White Circle Intersection Improvement project.

City Attorney, Douglas R. Haynie, disclosed that he also represents the Cobb County/Marietta Water Authority (CCMWA).

* **20150374 Consideration of no parking along Waterman Street**

Motion authorizing no parking along Waterman Street between Alexander and Lakewood as requested by Council Member Stuart Fleming.

* **20150160 Request for Restriping on Whitlock**

Motion authorizing the restriping of two (2) westbound lanes from Kirkpatrick going west on Whitlock. This item was requested by Council Member Morris.

* **20150332 Scufflegrit Sidewalks**

Motion authorizing the installation of sidewalks on Scufflegrit Road from Gateview Drive to the southern property line of Cambridge Wall Subdivision as requested by Councilwoman Kelly.

OTHER BUSINESS:

* **20150247 V2015-16 [VARIANCE] JOHN M. PATTERSON**

V2015-16 [VARIANCE] JOHN M. PATTERSON requests variances for property located in Land Lot 1147, District 16, Parcel 0440, 2nd Section, Marietta, Cobb County, Georgia and being known as 393 North Sessions Street, currently zoned LI (Light Industrial). Ward 4.

1. Variance to allow the expansion of a gravel parking area.
2. Variance to waive the requirements of the tree ordinance so as to reduce the site density factor from 9.28 units to 0.3 units.

* **20150292 V2015-21 [VARIANCE] VERMEER SOUTHEAST SALES AND SERVICE, INC.**

V2015-21 [VARIANCE] VERMEER SOUTHEAST SALES AND SERVICE, INC. requests variances for property located in Land Lot 1167, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1320 Gresham Road, currently zoned LI (Light Industrial). Ward 5

1. Variance to reduce the buffer from a 50' undisturbed buffer to 10' planted buffer.
2. Variance to reduce the front yard setback from 50' to 22' for the existing structure located on that section of 1320 Gresham Road where the existing building fronts along Gresham Road, as indicated on the Site Plan.
3. Variance to allow gravel as an acceptable surface for the parking of trailers and equipment.
4. Variance to allow the use of metal siding on the side(s) of a building facing a roadway.
5. Variance to waive the planted strip/border area requirement for the section adjacent to existing structure fronting Gresham Road.
6. Variance to allow outdoor storage within 50 feet of property zoned residentially and within 25 feet from any City-of-way.
7. Variance to waive the opaque fence requirement.

Further, the attached letter from Adam J. Rozen, Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated May12, 20105, is incorporated as stipulations to the requested variances.

* **20150155 Summerhour Street Right of Way Abandonment**

Motion authorizing the abandonment and exchange of a portion of unimproved Summerhour Street right of way at the Meeting Park development in exchange for an equal or greater square footage of newly dedicated right of way in Meeting Park development. Final exchange of right of way is to be completed in conjunction with the approval of the Final Subdivision Plat for said property. The City Attorney and Director of Public Works are authorized to take any actions necessary to finalize the exchange of right of way.

PUBLIC HEARING (All parties sworn in)

* **20150418 Revision to MPD Video/Audio Equipment Use Policy**

Motion approving revisions to the MPD video/audio equipment use policy as requested by Mayor Tumlin.

* **20150427 MEAG Voting Member and Delegate**

Appointment of G.A. (Andy) Morris as the voting delegate on the 2015 Municipal Electric Authority of Georgia (MEAG) Election Committee and Ron Mull as alternate voting delegate.

* **20150431 MEAG Power 2015 Annual Election**

Motion to nominate Mayor Steve Tumlin to seek re-election to the Municipal Electric Authority of Georgia (MEAG) Board.

* **20150433 121 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 121 Hedges Street from ACFLZ, Inc. for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$155.94.

* **20150434 129 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 129 Hedges Street from Carol Abbott for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$5,480.19.

* **20150435 139 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 139 Hedges Street from W. Donald Shepherd for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$2,077.90.

* **20150436 149 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 149 Hedges Street from Shirley Ramsey for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$2,949.51.

* **20150437 153 Hedges Street**

Motion authorizing acquisition of the property at 153 Hedges Street from the Estate of R. Geneva Rogers for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387 W. Atlanta Avenue in exchange for \$565.87.

* **20150438 163 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 163 Hedges Street from Hugo Aguilar for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$1,925.08.

* **20150439 173 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 173 Hedges Street from Kevin S. Jordan for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$3,043.33.

* **20150440 181 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 181 Hedges Street from Kevin S. Jordan for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$1,491.95.

* **20150441 189 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 189 Hedges Street from Frederick Emil Moody for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$3,470.99.

* **20150442 195 Hedges Street**

Motion authorizing acquisition of a portion of property and easements at 195 Hedges Street from Marietta Redevelopment Corporation for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$2,732.69.

* **20150443 480 W. Atlanta Street**

Motion authorizing acquisition of a portion of property and easements at 480 W. Atlanta Street from ACFLZ, Inc. for the purpose of constructing the Cemetery Trail - Cemetery Street from SR 360 to CS 1387/W. Atlanta Street Project in exchange for \$688.73.

* **20150377 BLW Actions of the May 11, 2015**

Review and approval of the May 11, 2015 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: